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10/040,157	12/19/2001	Wendell Brown	CC-004	9433

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EXAMINER
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BETIT, JACOB F

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/040,157

Applicant(s)

BROWN ET AL.

Examiner

Jacob F. Betit

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 29-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-28 and 42-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

2. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 16 recites, "further comprising the call processor". The "call processor" is already claimed in claim 14, line 9 or else a connection to "a call processor" could not be made.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2164

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14-20, 22-25, 27-28, 42-49, 52-58, and 60-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Templeton (U.S. patent No. 2003/0191676 A1).

As to claim 14, Templeton teaches a system for establishing a voice connection between two parties based on their availability, comprising:

a server configured to receive a voice connection request from a first user (see paragraph 0053), wherein the voice connection request comprises an identifier of a second user (see paragraph 0038);

an availability determination module configured to determine an availability of the second user for a voice connection with the first user (see paragraphs 0054-0082);

a data server configured to selectively serve to one of the first user and the second user information concerning the other of the first user and the second user (see paragraph 0047, and see figures 9(a)-9(e)), and

a connection to a call processor configured to establish the voice connection between the first user and the second user; wherein the server signals the call processor to establish the voice connection when both the first user and the second user are determined to be available (see paragraph 0035 and see paragraph 0039).

As to claim 15, Templeton teaches further comprising a pre-connection notifier configured to notify one or more of the first user and the second user, prior to establishment of the voice connection (see figures 9(a)-9(e)).

As to claim 16, Templeton teaches further comprising the call processor (see paragraph 0039).

As to claim 17, Templeton teaches wherein the data server is configured to selectively display information regarding a target user, for an accessing user coupled to the data server, depending upon a status of the accessing user (see figures 9(d)-9(e)).

As to claim 18, Templeton teaches wherein the status is an identity (see paragraphs 0155-0156).

As to claim 19, Templeton teaches wherein the status comprises whether or not a connection request is pending between the accessing user and the target user (see figure 9(e)).

As to claim 20, Templeton teaches wherein the status comprises whether or not the accessing user was previously classified by the target user (see paragraphs 0155-0156).

As to claim 22, Templeton teaches wherein the availability determination module is configured to receive availability updates from one or more of the first user and the second user (see paragraphs 0054-0082).

Art Unit: 2164

As to claim 23, Templeton teaches wherein an availability update comprises an electronic communication indicating whether a user is available for a voice connection (see paragraphs 0071-0076).

As to claim 24, Templeton teaches wherein the electronic communication comprises a communication from a computing device operated by the user (see paragraphs 0071-0074).

As to claim 25, Templeton teaches wherein the electronic communication comprises a communication from a communication device operated by the user (see paragraphs 0071-0076).

As to claim 27, Templeton teaches a system for establishing a voice connection between two parties, comprising:

a connection server configured to receive a connection request from a first user (see paragraph 0053), wherein the connection request comprises an identifier of a second user (see paragraph 0038);

a data server configured to selectively serve to one of the first user and the second user information concerning the other of the first user and the second user (see paragraph 0047, and see figures 9(a)-9(e)), and

a pre-connection notifier configured to notify one or more of the first user and the second user prior to establishment of the requested connection (see paragraphs 0134-0136).

As to claim 28, Templeton teaches further comprising:

a connection to a call processor configured to establish the requested connection between the first user and the second user; wherein the connection server is configured to signal the call processor to establish the requested connection (see paragraph 0035 and see paragraph 0039).

As to claim 42, Templeton teaches an automated method of establishing a connection between a subscriber and a called party, comprising:

receiving from the subscriber a request for a connection with the called party (see paragraph 0053);

determining availability of the called party for a connection with the subscriber (see paragraphs 0054-0082);

providing the called party a reference to a subscriber data page, wherein the subscriber data page is configured to selectively display data regarding the subscriber (see paragraph 0138); and

automatically establishing the connection between the subscriber and the called party when both the subscriber and the called party are available (see paragraph 0035 and see paragraph 0039).

As to claim 43, Templeton teaches further comprising:

receiving a connection to the subscriber data page from the called party (see paragraph 0138); and

selectively displaying a subset of the subscriber data based on a status of the called party (see paragraphs 0155-0156).

As to claim 44, Templeton teaches wherein the status of the called party comprises an identity of the called party (see paragraphs 0155-0156).

As to claim 45, Templeton teaches wherein the receiving a request for a connection comprises:

receiving a first connection from the subscriber, wherein the first connection indicates a desire for a voice connection; and receiving from the subscriber an identifier associated with the called party (see paragraph 0038).

As to claim 46, Templeton teaches wherein the first connection comprises a telephone call from the subscriber (see paragraph 0038).

As to claim 47, Templeton teaches wherein the first connection comprises an electronic message received from a computing device of the subscriber (see paragraph 0038).

As to claim 48, Templeton teaches further comprising: notifying the called party of one or more pending connections involving the called party, including the connection with the subscriber (see paragraph 0136).

As to claim 49, Templeton teaches wherein the providing comprises:



Art Unit: 2164

transmitting to the called party a communication comprising a hyperlink to the subscriber data page (see paragraph 0138).

As to claim 52, Templeton teaches wherein the providing comprises including the reference in a called id field of a telephone call to the called party (see paragraphs 0077-0078).

As to claim 53, Templeton teaches wherein the determining availability of the called party comprises applying a set of connection rules configured by the called party (see paragraphs 0154-0156).

As to claim 54, Templeton teaches wherein the determining availability of the called party comprises receiving an availability update of the called party (see paragraph 0135).

As to claim 55, Templeton teaches wherein the availability update comprises an electronic communication indicating an availability of the called party for a connection with the subscriber (see paragraph 0135).

As to claim 56, Templeton teaches further comprising:  
determining an availability of the subscriber for the connection (see paragraphs 0054-0082).

Art Unit: 2164

As to claim 57, Templeton teaches wherein the automatically establishing the voice connection comprises:

initiating a multi-legged voice connection between the subscriber and the called party (see paragraph 0050, where “multi-legged voice connection” is read on “conference call”).

As to claim 58, Templeton teaches wherein the subscriber data page is configured to display for the called party a fee charged by the subscriber in conjunction with the connection (see paragraph 0138, where “fee charged” is read on “call billing information”).

As to claim 60, Templeton teaches a computer readable storage medium storing instructions that, when executed by a computer, cause the computer to perform an automated method of establishing a connection between a subscriber and a called party, the method comprising:

receiving from the subscriber a request for a connection with the called party (see paragraph 0053);

determining availability of the called party for a connection with the subscriber (see paragraphs 0054-0082);

providing the called party a reference to a subscriber data page, wherein the subscriber data page is configured to selectively display data regarding the subscriber (see paragraph 0138);  
and

Art Unit: 2164

automatically establishing the connection between the subscriber and the called party when both the subscriber and the called party are available (see paragraph 0035 and paragraph 0039).

As to claim 61, Templeton teaches an automated method of establishing a connection between a caller and a subscriber, comprising:

receiving from the caller a request for a connection with the subscriber (see paragraph 0053);

determining availability of the subscriber for a connection with the caller (see paragraphs 0054-0082);

providing the caller a reference to a subscriber data page, wherein the subscriber data page is configured to selectively display data regarding the subscriber (see paragraph 0138); and

automatically establishing the connection between the caller and the subscriber when both the caller and the subscriber are available (see paragraph 0035 and paragraph 0039).

As to claim 62, Templeton teaches a method of establishing a voice connection between a first party and a second party selected on the basis of one or more criteria provided by the first party, comprising:

receiving from a first party a request for a voice connection (see paragraph 0053);

identifying a second party to the voice connection using one or more criteria provided by the first party, wherein the one or more criteria do not include a telephone number (see paragraph 0038 and see paragraph 0131);

Art Unit: 2164

providing one of the first party and the second party a reference to a subscriber data page, wherein the subscriber data page is configured to selectively display data concerning the other of the first party and the second party (see paragraph 0138); and

initiating the voice connection between the first party and the second party (see paragraph 0035 and paragraph 0039).

As to claim 63, Templeton teaches a computer readable storage medium storing instructions that, when executed by a computer, cause the computer to perform a method of establishing a voice connection between a first party and a second party selected on the basis of one or more criteria provided by the first party, the method comprising:

identifying a second party to the voice connection using one or more criteria provided by the first party (see paragraph 0053), wherein the one or more criteria do not include a telephone number (see paragraph 0038 and see paragraph 0131);

providing one of the first party and the second party a reference to a subscriber data page, wherein the subscriber data page is configured to selectively display data concerning the other of the first party and the second party (see paragraph 0138); and

initiating the voice connection between the first party and the second party (see paragraph 0035 and paragraph 0039).

As to claim 64, Templeton teaches a method of automatically establishing a voice connection between a first party and a second party, wherein neither of the first party and the

Art Unit: 2164

second party knows the other party's telephone number used for the voice connection, the method comprising:

receiving from a first party a request for a voice connection with a second party (see paragraph 0053), wherein the first party identifies the second party with an identifier other than a telephone number (see paragraph 0038 and see paragraph 0131);

determining whether the second party is available for the voice connection (see paragraphs 0054-0082);

providing one of the first party and the second party a reference to a subscriber data page, wherein the subscriber data page is configured to selectively display data concerning the other of the first party and the second party (see paragraph 0138); and

when the first party and the second party are available, automatically establishing the voice connection (see paragraph 0035 and paragraph 0039).

As to claim 65, Templeton teaches a computer readable storage medium storing instructions that, when executed by a computer, cause the computer to perform a method of automatically establishing a voice connection between a first party and a second party, wherein neither of the first party and the second party knows the other party's telephone number used for the voice connection, the method comprising:

receiving from a first party a request for a voice connection with a second party (see paragraph 0053), wherein the first party identifies the second party with an identifier other than a telephone number (see paragraph 0038 and see paragraph 0131);

Art Unit: 2164

determining whether the second party is available for the voice connection (see paragraphs 0054-0082);

providing one of the first party and the second party a reference to a subscriber data page, wherein the subscriber data page is configured to selectively display data concerning the other of the first party and the second party (see paragraph 0138); and

when the first party and the second party are available, automatically establishing the voice connection (see paragraph 0035 and paragraph 0039).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton (U.S. patent No. 2003/0191676 A1).

As to claim 21, Templeton does not teach wherein the status comprises whether or not the accessing user is a merchant.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton to include wherein the status comprises whether or not the accessing user is a merchant because Templeton teaches requiring cold callers to identify themselves (see paragraphs 0108-0110) and he teaches providing mechanisms to the

Art Unit: 2164

system users to prevent certain people from accessing user availability information (see paragraphs 0154-0156). It would be obvious to prevent the cold callers, “merchants”, from accessing availability information so that they do not know if the user is unavailable or just screening calls, therefore it would have been obvious to have the status comprise whether or not the accessing user is a merchant.

7. Claims 26, 50, and 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton (U.S. patent No. 2003/0191676 A1) in view of Alexander et al. (U.S. patent No. 6,640,230 B1).

As to claim 26, Templeton does not teach wherein the electronic communication comprises a communication from an instant message system used by the user.

Alexander et al. teaches a calendar driven application for preparing responses to incoming events (see abstract), in which he teaches wherein the electronic communication comprises a communication from an instant message system used by the user (see column 3, lines 19-62).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton to include wherein the electronic communication comprises a communication from an instant message system used by the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton by the teachings of Alexander et al. because wherein the electronic communication comprises a communication from an instant message

Art Unit: 2164

system used by the user would let one user know exactly what the other user is doing based on data already available in the calendar (see column 1, line 53 through column 2, line 15).

As to claim 50, Templeton does not teach wherein the communication comprises an instant message.

Alexander et al. teaches wherein the communication comprises an instant message (see column 3, lines 19-62).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton to include wherein the communication comprises an instant message.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton by the teachings of Alexander et al. because wherein the communication comprises an instant message would let one user know exactly what the other user is doing based on data already available in the calendar (see column 1, line 53 through column 2, line 15).

As to claim 51, Templeton does not teach wherein the communication comprises an electronic mail message.

Alexander et al. teaches wherein the communication comprises an electronic mail message (see column 3, lines 19-62).



Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton to include wherein the communication comprises an electronic mail message.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton by the teachings of Alexander et al. because wherein the communication comprises an electronic mail message would let one user know exactly what the other user is doing based on data already available in the calendar (see column 1, line 53 through column 2, line 15).

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton (U.S. patent No. 2003/0191676 A1) in view of Diamant et al. (U.S. patent application publication No. 2002/0071539 A1)

As to claim 59, Templeton does not teach further comprising:

receiving from the called party a fee charged by the called party in conjunction with the connection.

Diamant et al. teaches using instant messaging to allow parties to initiate a separate telephone call that may be billed (see abstract), in which he teaches further comprising: receiving from the called party a fee charged by the called party in conjunction with the connection (see paragraphs 0014-0015).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton to include further comprising:

Art Unit: 2164

receiving from the called party a fee charged by the called party in conjunction with the connection.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Templeton by the teachings of Diamant et al. because further comprising: receiving from the called party a fee charged by the called party in conjunction with the connection would allow one party to accept all charges associated with the call so that the other party would be more likely to participate in the call.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent application publication No. 2002/0118808 A1 to Kelleher et al. for teaching a conferencing system in which the conference initiator is able to determine the availability of the participants prior to making the call (see abstract).

U.S. patent application publication No. 2003/0112931 A1 to Brown et al. for teaching facilitation navigation of an interactive voice response menu to establish a telephone connection.

U.S. patent application publication No. 2003/0112945 A1 to Brown et al. for teaching indirect call completion using a personal identifier.

U.S. patent application publication No. 2003/0112948 A1 to Brown et al. for teaching establishing a connection between parties based on their availability.

U.S. patent application publication No. 2003/0112952 A1 to Brown et al. for teaching establishing a connection between a subscriber and a party meeting one or more criteria.

U.S. patent No. 6,697,474 B1 to Hanson et al. for teaching receiving phone calls with a instant messaging application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/040,157  
Art Unit: 2164

Page 19

jfb  
31 Mar 2005



**SAM RIMELL**  
**PRIMARY EXAMINER**